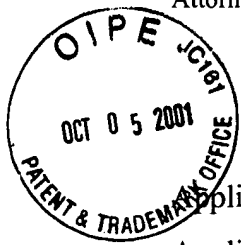


# 3



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Stubblebine

Examiner: Unassigned

Application No.: 09/840,230

Art Unit: 2131

Filed: April 24, 2001

For: SPECIFYING SECURITY PROTOCOLS AND POLICY CONSTRAINTS IN  
DISTRIBUTED SYSTEMS

**PETITION UNDER 37 CFR § 1.181 FOR  
WITHDRAWAL OF NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL  
APPLICATION**

Commissioner of Patents  
Washington, D.C. 20231

Sir:

Applicants hereby request, pursuant to 37 CFR 1.181, that the Commissioner (1) accept the attached copy of Figure 1, the original having been filed with the original application papers on April 24, 2001, as a replacement for the now misplaced original Figure 1, (2) withdraw the NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION, mailed August 9, 2001, and (3) accord the above-captioned application a filing date of April 24, 2001. On the basis that the present petition has been filed under 37 CFR 1.181, no petition fee is required.

On April 24, 2001, Applicants filed application papers with the United States Patent and Trademark Office (USPTO). Upon receipt, the USPTO, receipt date stamped (April 24, 2001) and returned to Applicants the properly itemized postcard receipt that accompanied the application papers. A copy of the date stamped postcard receipt is attached hereto. A review of the copy of the date stamped postcard receipt reveals that the application papers received by the

**RECEIVED**

NOV 05 2001

USPTO included, inter alia, "21 sheets [of] Drawings (FIGS. 1 – 6)." As noted above, a copy of the originally filed and now misplaced Figure 1 is attached to the present Petition.

On August 9, 2001, the USPTO mailed a NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION, a copy of which is also attached hereto. The Notice set a two-month time period, expiring on October 9, 2001, for response thereto. The present Petition and attached documents have been timely filed, i.e., prior to the October 9, 2001 deadline date.

Pursuant to Section 503 of the Manual of Patent Examining Procedure (MPEP) "[a] postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt of the items listed thereon by the PTO." As discussed above, the postcard receipt itemized and properly identified each of the items being filed on April 24, 2001, including the originally filed and now misplaced Figure 1. As such, the date stamped postcard receipt rises to the level of *prima facie* evidence of receipt by the USPTO of each item listed thereon, including originally filed Figure 1.

The filing date of a nonprovisional application for patent, pursuant to 37 CFR § 1.53(b), is the date on which (1) a specification as prescribed by 35 U.S.C. § 112 containing a description pursuant to 37 CFR § 1.71, (2) at least one claim pursuant to 37 CFR § 1.75, and (3) any drawing required by 37 CFR § 1.81(a) are filed in the Patent and Trademark Office. Contrary to the Notice mailed August 9, 2001, the evidence submitted is sufficient to establish that the filing date requirements set forth under 37 CFR 1.53(b) were satisfied on April 24, 2001. That is, on April 24, 2001, the USPTO received, inter alia, 51 pages of specification, 13 pages of claims, and 21 sheets of formal drawings (Figures 1 – 6). Furthermore, the USPTO also received 2 pages of Declaration and a Deposit Account Authorization authorizing the Commissioner to

charge the fees to Deposit Account No. 13-4503, Order No. 2455-4230US3. Accordingly, Applicants are entitled to a filing date of April 24, 2001.

On the basis of the evidence filed herewith and discussed above, Applicants request that the USPTO (1) accept the attached copy of the misplaced original Figure 1 as replacement for the misplaced original Figure 1 filed with the application papers on April 24, 2001, (2) withdraw the Notice of Omitted Item(s) In a Nonprovisional Application mailed August 9, 2001, and (3) accord the application a filing date of April 24, 2001, pursuant to 37 CFR 1.53(b).

The Commissioner is hereby authorized to charge any fee associated with this petition to Deposit Account No. 13-4503, Order No. 2455-4230US3. A duplicate copy of this authorization is attached.

The Commissioner is hereby authorized to charge any insufficient fee or credit any overpayment to Deposit Account No. 13-4503.

Respectfully submitted,  
MORGAN & FINNEGAN LLP



Brian W. Brown  
Reg. No. 47,265

Dated: Oct 5, 2001

SENDER'S ADDRESS:  
MORGAN & FINNEGAN  
345 Park Avenue  
New York, New York 10154  
Tel: (202) 857-7887  
Fax: (202) 857-7929

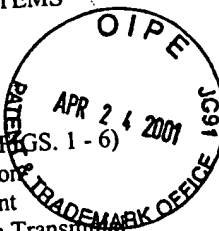


### NEW U.S. PATENT APPLICATION

The Patent office date stamp heron acknowledges receipt of the below-identified documents:

Atty: JEH/at      Atty Docket No.: 2455-4230US3      Date: 04/23/01  
Client Ref: 109755 CON2      Priority Date:      Priority No.  
Applicant(s): Stubblebine      Continuation Application  
Title: SPECIFYING SECURITY PROTOCOLS AND POLICY CONSTRAINTS IN  
DISTRIBUTED SYSTEMS

51 pp specification  
13 pp. claims (1 - 51)  
1 pp. Abstract  
21 sheets Drawings (FIGS. 1 - 6)  
2 pp. Copy Declaration  
pp. Assignment  
☒ New Application Transmittal  
☐ PTO Form-1595



☒ Information Disclosure Statement  
☒ PTO-Form 1449  
☐ Cited References (      )  
☐ Priority Document  
☒ Deposit Account Authorization  
☒ Preliminary Amendment

12351

### NEW U.S. PATENT APPLICATION

The Patent office date stamp heron acknowledges receipt of the below-identified documents:

Atty: JEH/at      Atty Docket No.: 2455-4230US3      Date: 04/23/01  
Client Ref: 109755 CON2      Priority Date:      Priority No.  
Applicant(s): Stubblebine      Continuation Application  
Title: SPECIFYING SECURITY PROTOCOLS AND POLICY CONSTRAINTS IN  
DISTRIBUTED SYSTEMS

51 pp specification  
13 pp. claims (1 - 51)  
1 pp. Abstract  
21 sheets Drawings (FIGS. 1 - 6)  
2 pp. Copy Declaration  
pp. Assignment  
☒ New Application Transmittal  
☐ PTO Form-1595

☒ Information Disclosure Statement  
☒ PTO-Form 1449  
☐ Cited References (      )  
☐ Priority Document  
☒ Deposit Account Authorization  
☒ Preliminary Amendment

JC929 U.S. PTO

09/040230



04/24/01

12351

RECEIVED

NOV 05 2001

OFFICE OF PETITIONS  
DEPUTY A/C PATENTS